

SB 868 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/17

WHAT THE MEASURE DOES:

Creates process for obtaining extreme risk protection order prohibiting person from possessing firearms when court finds that person presents imminent risk or risk in foreseeable future of suicide or causing injury to others. Requires respondent to surrender firearms, ammunition and concealed handgun license upon issuance of order. Creates Class A misdemeanor for violation of order or false application for order. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure. Creates process for obtaining extreme risk protection order prohibiting person from possessing deadly weapons. Adds definitions. Adds additional factors for the court to consider, such as conviction of driving under the influence of intoxicants. Adds additional court procedures for renewal of order. Specifies procedures for respondent to surrender deadly weapons.

-2 Makes technical amendments. Removes provision that measure takes effect 91st day after sine die.

May have revenue impact, but no statement yet issued

May have fiscal impact, but no statement yet issued

BACKGROUND:

Senate Bill 868 allows a peace officer or family or household member to petition the court for an extreme risk protection order. An extreme risk prevention order prohibits the respondent from possessing a firearm or ammunition. SB 868 sets forth the court process for this petition, order, hearing should respondent request one, and renewal or termination of the order. For example, it allows the respondent 30 days to request a hearing and specifies the contents of the order. It also establishes procedures for the surrender of firearms and ammunition to law enforcement and for the return of these items when order is terminated or expires. Finally, SB 868 makes it a Class A misdemeanor to possess a firearm or ammunition knowing that this possession is prohibited by an extreme risk protection order or to file a petition for this order with the intent to harass the respondent or knowing that information in petition is false.